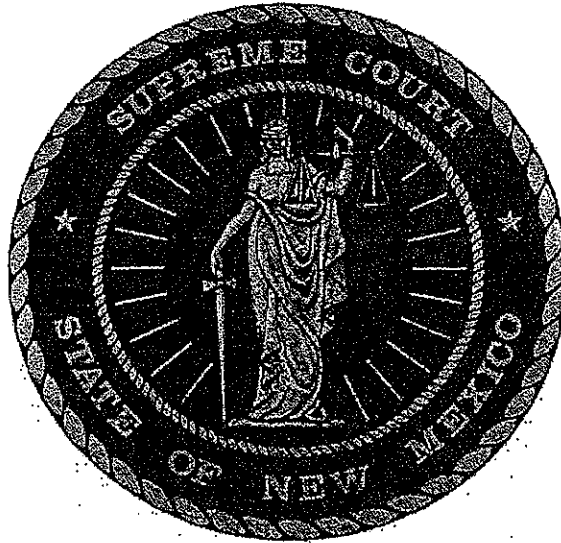


New Mexico Judiciary  
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Statewide Court Emergency and Security Guidelines



New Mexico Statewide Court Security Committee  
Report and Recommendations

April 26, 2006

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## Foreword

Recent events in courts throughout our country have focused attention on the issue of the security of our courts. The New Mexico Supreme Court recognizes the importance of providing a safe and secure environment for all who use and work in our courthouses, while providing facilities that at the same time are not oppressive or intimidating. Our courts are a place where people seek redress, conflict resolution, and help for problems that profoundly affect their lives, and where we seek to provide these attributes in the name of doing justice among our citizens. To that end, our courts should be safe havens which provide a fair, secure and effective administration of justice.

Throughout New Mexico's history, the New Mexico court system has been fortunate to avoid significant disruption to its operations. However, the increasing number of security incidents in New Mexico courts, as well as courts nationwide, have taught us that courts are not exempt from disruption or tragedy. To that end, the New Mexico Supreme Court established the New Mexico Statewide Court Security Committee to develop guidelines to serve as a framework within which individual courts must develop practices and procedures enabling them to anticipate, prevent and respond to security as well as other incidents that could disrupt the operation of the courts.

The Supreme Court appointed members from all levels of courts, from all areas of the state. The Committee met and recommended to the Supreme Court that a Security Incident form and a Telephone Threat form be adopted for use in every state court. The Supreme Court accepted that recommendation and issued an Order on June 14, 2004, directing that the forms be completed and submitted to the Administrative Office of the Courts, so that accurate data can be collected on the number and types of threats courts are currently facing.

The Committee worked together for a year to propose ideas that will aid the Judiciary in protecting the court's human resources, those who use its facilities and seek its protection, and the court's property. As the Committee discussed ideas, it became apparent that the guidelines should be separated into two categories – guidelines addressing emergency issues and guidelines addressing security issues. The results of the Committee's efforts are outlined in this document and are intended to present guidelines from the Supreme Court to local courts. The guidelines presented are intended to set minimum standards and goals to which our courts aspire, and which should inspire and foster a positive and responsive dialogue among those officials and persons reviewing and assessing security needs for our courthouse facilities.

The Committee believes that our courts are divergent, different and unique. We offer these guidelines to each court, whose tasks are many and whose work is often complex and overwhelming. The key to success in preparing for emergencies is the idea that there are many who will support courts and help them if asked. Awareness, communication and cooperation are the three overriding elements for the success of any security plan. We believe that the challenge the Supreme Court asked us to examine is not finished but, in fact, has just begun. Preparing for threats and emergencies is an ongoing and evolving requirement that must be shepherded and nurtured far beyond the work of this Committee.

The Committee wishes to express its thanks to the Arizona Committee on Court Security and Emergency Preparedness for sharing its report "Preparing for the Unthinkable" with the New

Mexico Judiciary, and the State of Minnesota Judicial Conference for providing us with their Courthouse Security Manual and related materials.

We hope that the following guidelines and recommendations will be the foundation that allows for successful security planning which will save lives and protect property.

## Emergency Preparedness

Pursuant to Article VI, Section 3 of the New Mexico Constitution, and by Supreme Court Order 03-8300, the Supreme Court established the New Mexico Statewide Court Security Committee. The Committee was charged with identifying areas of concern and recommending general, flexible security guidelines that could be adopted by the New Mexico Supreme Court and used by the courts in the New Mexico court system.

These general guidelines are intended to structure and standardize the development of emergency planning at the local level, and will be used to ensure that court staff, litigants, jurors, visitors, defendants and other court users are provided safe, functional, dignified and accessible court facilities. The Committee recognized the geographic and size differences between courts and recognized that any plans and recommendations must be achievable with resources or support that exist or are likely to be made available. However, it is also necessary that security assessments and planning be accomplished in a standardized way. Having responsibility for the New Mexico state courts, the Supreme Court must ensure that emergency planning in the courts is subject to uniform criteria in both the development and implementation phases. Therefore these guidelines are intended to create a structure and method within which risk assessment and emergency planning will be undertaken by the New Mexico courts.

There is an inherent risk factor associated with government facilities that is apparent where courthouses are concerned. This may be based on the multiple types of high-threat, high-profile and emotional proceedings conducted in these buildings, or on the fact that as courthouses represent both our judicial and governmental systems, threat and risk levels are substantially increased. Consequently, elected officials and leaders responsible for courthouse security must recognize, acknowledge and provide the appropriate predetermined response. To accomplish this task, courts must have an understanding of the relationships and effects between the following:

- Implementing a Five-Stage Courthouse Security Program
- Reviewing site-specific factors—emphasizing the elements of *reasonableness and practicality*
- Considering security and safety vulnerabilities addressed in facility surveys and threat and risk assessments
- Addressing issues brought forward by court and building security committees
- Initiating program review and establishing quality control measures

### Five- Stage Program for Court Security

A fundamental consideration in the development of a court security program is the principle that all action taken be designed with a stated objective of (1) *Deterrence—includes limiting opportunities for acts to occur*, (2) **Prevention**, and (3) **Detection**. These program areas should be supplemented with two additional areas of consideration-- (4) **Response**, and (5) **Training**.

Unlike traditional notions of law enforcement which are generally reactive, court security should be considered a proactive measure. A court security program that effectively uses proactive measures will undoubtedly realize a substantial increase in both security and safety levels.

Because courthouses are public buildings, they must remain open to the public. Emergency management issues are complex, and must strike a balance between ensuring public access and providing a safe and secure environment. Court leaders and staff can strike an appropriate balance and give themselves an advantage by taking time to examine the courthouse, as well as plans for future needs in new courthouses, and determine potential areas of vulnerabilities. These vulnerabilities must then be prioritized, and plans generated to acquire and apply the resources necessary to implement adequate safeguards.

In its work, the Committee recognized that emergencies, disasters and accidents affecting the courts can occur at any time, usually without warning. Whether caused by humans or acts of nature, the result is a critical incident that must be recognized and dealt with promptly and rationally. Judges and administrators should take the lead to ensure that necessary preparations are made so that even if a critical incident occurs, the judicial branch will be able to maintain constitutionally mandated operations of the justice system.

Identifying a court's security requirements and formulating a security plan has become a matter of utmost importance. Being prepared for critical incidents, both individually and organizationally, is a responsibility of all judicial officers and court staff. Planning and preparing for critical incidents in the courts can be time-consuming; however, the experiences of other courts that have encountered such incidents have shown that a few simple preparations can significantly enhance the ability of court staff to manage through them. At minimum, those preparations must include:

- A designated emergency chain-of-command
- Designated emergency planning and response teams, including emergency response agencies
- A communication system for the response team and a location to bring them together
- A plan for alternative facilities for court operations
- A process for identifying critical court operations and the minimum time to return them to operation

## Benefits of Disaster Planning

In developing business continuity plans, judges and court managers must work closely with local government officials, police, fire and other emergency services. This coordination should be achieved through court participation at the local level in existing county or city emergency planning committees, and/or establishing a court-based planning committee, with multi-agency composition.

In addition to plan development, the standing planning committee(s) should oversee risk assessments, contingency plans to maintain essential court operations and periodic emergency drills and audits.

The scope and nature of court business continuity plans are largely dependent on local factors, including geography, scale of court operations and the availability of outside emergency resources. Individual court plans should also include standing policies and procedures; for example, evacuation policy, intergovernmental agreements, et cetera. The scope of these site-specific determinations differs from place to place, and is dependent upon a number of factors, including the following:

- Judicial acceptance
- Employee safety
- Public safety
- Threat assessments
- Operations security
- Site surveys
- Risk assessments
- Facility operations
- Space design/layout

In developing a plan, the court needs to identify key decision-makers, stakeholders and back-up persons who have the authority to order a building evacuation or court closure. In addition, a court must determine the chain of command and decision-making authority contingent upon the nature of emergency. In developing the plan, "first responder" agencies should be identified. It must be recognized that the first response agency – for example, fire or law enforcement – has complete authority when life saving is the priority. Those agencies should be included in the evaluation and planning phases of plan development, and thoroughly integrated into the incident command system. In developing a disaster plan, all efforts shall be made to comply with the Fire Code as adopted by the State of New Mexico.

### Remember:

- Courts with adequate security plans conform to public expectation of safe facilities and provide a sense of reassurance to facility users and occupants.
- Courts with a plan in place can save lives and are better able to continue to serve the community during a crisis.
- Courts with contingency plans will in all likelihood experience much faster recovery of information systems and critical services.



- Existence of a prevention and disaster recovery plan may reduce liability and enhance the public image of the court.
- Disaster drills and stress testing of the plan create clear guidance for plan implementation.

### **Emergency Response Plans for New Mexico Courts**

It is the intention of the Committee to give courts an outline from which to develop their own contingency plan. The Committee recognizes that individual courts must draft emergency response plans at the local level in the event of a disaster or other emergency.

The outline will alert courts to areas in which they must develop their own emergency plans. If a court has already implemented an emergency response plan, the plan shall be reviewed and updated periodically. If no emergency response plan has been implemented, courts shall begin planning immediately. Only individual courts can provide the detail needed for a successful emergency response plan.

The plan will provide direction to judicial officers and court staff during the initial hours of a critical incident affecting the court system. Whether an evacuation, serious disruption of court operations or court closure, court officials must establish a communications network and work cooperatively to assess the magnitude of the emergency and mitigate its effects.

Some areas of an emergency response plan must be in place immediately while others will require time for planning and development. Where relevant, those issues are addressed in the accompanying commentary.

#### **Priorities.**

During a critical incident affecting the courts, the following priority of objectives shall be observed by all judicial and administrative staff with regard to all actions taken:

- Reduce or prevent any loss of life and injury to court personnel and other court users
- Maintain justice system operations as required by the constitution and law
- Protect court property, essential facilities, equipment, records and other assets
- Ensure continuous performance of critical and essential court functions during a critical incident
- Achieve a timely and orderly recovery from a critical incident and resume full service to all court users

#### **Critical Incidents.**

Critical incidents include natural disasters, fires, health emergencies or quarantines, extended power outages, acts of foreign or domestic terrorism, computer sabotage, workplace violence, hazardous materials (HAZMAT) emergencies, prisoner escapes within the courthouse, hostage situations and biochemical attacks that have caused or are likely to cause full or partial shutdown of a court facility.

*Recognizing a critical incident and reacting rapidly is critical to mitigating its duration and effects. When life, property, community and the business of the courts is threatened or affected, court administration should begin to act.*

In the event of a critical incident and/or crisis situation occurring within a courthouse, contact with predetermined emergency responders shall be made, and the courthouse emergency plan shall be activated, implementing the prearranged contingency plan which shall consist of the following:

- The immediate response to an incident by law enforcement and security personnel  
An on-site supervisor to coordinate and ensure implementation of the plan shall be assigned
- Direct critical review and assessment
- Emergency notification telephone numbers of pre-designated officials, many of whom are suggested below. Notification itself will be conducted by senior management or personnel previously authorized by the plan. In the absence of senior management officials, responding personnel must initiate notification procedures.
- Additional emergency notification telephone numbers of State of New Mexico and Federal law enforcement agencies. Information stating response times and the provision of specialized emergency services (SWAT, medical support, urban recovery teams, tactical teams) is included.
- State of New Mexico hostage negotiators directory listing the respective agency, address, city, 24-hour contact number and name/title of the negotiator.
- Activation procedures and operation requirements for security command posts
- Maps, diagrams, blueprints and floor plans of all ingress/egress locations for the courthouse
- Names, addresses and 24-hour contact numbers of respective facility management, utility and maintenance personnel. Exact locations of utility, telecommunications, electrical, HVAC, boiler and maintenance rooms are to be noted on facility blueprints and floor plans.
- Roster containing names, addresses, telephone and pager numbers of all law enforcement officials. Individual emergency locator forms are to be secured at respective facilities.
- Facility parking assignments of the judiciary, support staff and other agency personnel shall be kept and updated.
- Evacuation procedures, to include designated areas of refuge for judicial officers, staff, employees, and the general public. Security personnel assignments are to be contained within this section.
- Photographs (aerial, exterior and interior) of the courthouse facility and adjacent grounds. Photographs can be used by emergency responders who are not familiar with the courthouse design or layout.

The following are also recommended for plan inclusion:

- Videos of courthouse interior and exterior
- State/City/County maps
- Description and location of security systems
- Key Control Registers
- Concurrent Interagency Jurisdiction Agreements
- Annual Crime Statistical Summaries
- Courthouse Threat and Risk Assessment
- Operations Security Assessments
- Availability of Military Assistance/Specialization
- Local Infrastructure and Transportation Support
- Courthouse Security Surveys
- Emergency Medical Center Locations/ Contacts

The following recommendations as to emergency procedure shall be included:

**Emergency Recommendation 1: Planning.**

- DD. Courts shall participate in planning for critical incidents both at the court level and at a multi-agency level when opportunities are available. Each large court shall establish a standing committee to oversee risk assessments and make contingency plans to maintain essential operations and to conduct periodic emergency drills and audits. Additionally, the court shall either have its own multi-agency emergency planning committee or be a participant in an existing local, city or county level emergency planning committee.

*No single plan will meet the needs of every court. Local planning is required to determine the specifics and fill in the gaps. The planning process should be as efficient as possible and whenever possible, courts should combine their efforts. It may not be necessary for multiple courts to work individually, if a single countywide effort can accomplish the same result. It is important, however, that every court involved participate in the process and understand the final plan and its requirements. Site specific information must be included for the plan to be effective.*

*Fully developing emergency plans may take some time; however, the court must begin to address the issue immediately so it is prepared to respond to an emergency that occurs before planning is complete.*

- B Training, testing and plan dissemination. Courts shall provide regular training for their staff in responding to critical incidents. Court staff should be assigned training responsibilities and the resources to meet them. Plans should be tested on a regular basis with all staff participating, including judges. Drills should be followed by debriefings and feedback to management, staff and the court's emergency planning committee.

*Plans and emergency procedures should be documented and summarized in forms that allow for widespread distribution to staff. Posters and notices should be provided for the public*

*and staff. Instructions for emergency procedures should be provided to staff in the form of wallet cards, phone pamphlets and other materials that can be used for easy and quick referral.*

*Fully developing a training plan may take some time; however, the court must begin to address these issues immediately so it can be prepared to respond to an emergency that occurs before planning is complete.*

#### **Emergency Recommendation 2: Declaration of a Court Emergency.**

- A. The presiding judge of the affected court as soon as practical and after consulting with appropriate authorities shall contact the Chief Justice of the Supreme Court and request that the Chief Justice declare a court emergency.

*The declaration of a court emergency by the Chief Justice will activate the affected court's emergency plan and its effects may include: activating the emergency chain-of-command, emergency communications, critical incident response team and any emergency administrative authority provided by law and administrative order.*

*If such contact is not possible, the presiding judge or chief judge or designated person according to the pre-established courthouse chain of command may declare a court emergency by administrative order and provide notification of the order to the Supreme Court, appropriate county authorities, and the Administrative Office of the Courts. During non-working hours the Supreme Court and AOC can be contacted through*

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#### **Emergency Recommendation 3: Authority/Chain-of-Command.**

- DD. The chief or presiding judge of the affected court location, as chief judicial officer has legal and administrative authority over the court location subject to authority of the Chief Justice of the Supreme Court. The Chief Judge of the Court of Appeals has legal and administrative authority over the respective division of the Court of Appeals.

*The emergency chain of command may be contingent on the nature of the emergency. In the absence of the presiding judge, the presiding judge's designee assumes authority. The presiding judge or designee may delegate broad administrative authority to court administrative staff over courts in the county when an emergency has been declared and when necessary and appropriate. In small counties with a single judge or a small bench, administrative lines of authority may need to extend beyond the bench to allow for clear lines of authority in the absence of one or all judges. Experience has shown that clear lines of authority are very important in emergency situations when decisions must be made quickly; so even with a large bench, designation of who is in charge is critical to quick action.*

- EE. When an emergency has been declared, the Chief Justice or designee may assign a person to serve as liaison with the Supreme Court, courts in non-affected areas, and the AOC.

*The assigned administrator will serve as the point of contact for communication with the Supreme Court, the AOC and other counties; will serve as a source for securing additional resources; and will advise and assist the presiding judge with court administration during the emergency. The Chief Justice may also assign judges, AOC staff or staff from other courts to assist during the emergency.*

#### **Emergency Recommendation 4: Communications.**

A. All courts shall establish and maintain an emergency communication plan and notification process containing at least the following elements:

- A plan that indicates who is contacted and who is responsible for the calls
- Phone lists in various forms, including wallet cards, that include home numbers, cell phone numbers, pagers and other points of contact
- A procedure for activating the notification process ("phone tree")
- A process for establishing contact with the AOC
- A process for establishing contact, command and control with emergency responders
- A process for communication with other criminal justice agencies
- A process for notification of the media and public of emergency court action
- A plan for using alternatives to the wired telephone system, e.g. cell phones, radios, PA systems, pagers, walking, driving, messenger service
- A common meeting location for court staff to establish contact
- A procedure for notifying businesses located near the courthouse of bomb threats, prisoner escapes or other emergencies

*Phone trees and other elements of the communication plan should be documented and updated. Emergency phone numbers should be available in multiple locations and drills should be held to test plan effectiveness.*

#### **Emergency Recommendation 5: Evacuation Plans.**

A. Each court shall have an emergency evacuation plan. The plan must be developed and approved by the chief or presiding judge of the court location or the chief judge and any other required authorities.

B. The presiding judicial officer or designee of the court shall have the authority to order evacuation of a court facility in an emergency upon consultation with local court security or law enforcement. If emergency responders are at the scene, the incident commander of the emergency response unit may order an evacuation and all court personnel shall obey.

*Courts vary widely in size and no single evacuation plan fits all. The plan must provide for the decision to evacuate the courthouse, evacuation of all judicial and court staff, detainees, customers and persons with disabilities and account for them after the facility is evacuated.*

*The plan shall include:*

- *Duties and responsibilities of personnel, including floor team assignments*

- *Warning, signal, and emergency instructions*
- *Evacuation procedures*
- *Lists of all personnel by location in the building*
- *Separate routes of evacuation, where possible, for court personnel, prisoners and court users*
- *Plans for coordinating with other agencies that may be housed in the courthouse*
- *Posting evacuation plans specific enough to assist people in the evacuation, without identifying court offices or judges' chambers*
- *Procedures for law enforcement personnel to retrieve weapons before evacuating the building*
- *Courthouse utilities diagrams*
- *Employee bomb threat, fire and medical plans*

*During an evacuation, judges shall recess court and shall be required to evacuate pursuant to the approved evacuation plans. Judges shall remove their judicial robes before evacuating the building to lessen the possibility of being identified simply by their attire unless there is a need in the local plan for the ready identification of leadership.*

*Plans shall also provide for the securing of the facility, any cash and financial operations, computer systems/workstations and case records during evacuation. Even in very small facilities with only a few staff, it is important that all staff understand their roles during an evacuation. They must assist persons who are in the court, secure financial operations and case records, and assist any first responders to account for all persons in the court. All staff must have a copy of the plan and be familiar with their respective roles and responsibilities and participate in regular drills of the plan.*

*Plans shall designate who has the authority to order an evacuation and the chain of that authority. When detainees are evacuated, the plan should designate what happens to them after evacuation.*

#### C. Critical Incident Response team(s).

A designated "critical incident response team(s)" shall be established for each court.

*Depending on the size of courts and their distance from one another, the situation may require individual response teams for individual courts, groups of courts or for the entire county. Courts should designate critical staff, assign them to the court's emergency response team and determine their respective roles in an emergency situation. These teams may include the presiding judge, associate presiding judge, court administrator, clerk of court, chief probation officer, court security officer and other senior level court executives. To ensure that this team can assemble quickly and function effectively, courts shall include in their plans the following:*

- *Notification procedures for their emergency response team*
- *A designated meeting location in the event of an emergency*
- *Designated alternate meeting locations*
- *Preestablished protocol with other agencies when located in shared facilities*

- *A preestablished relationship with potential first responders*
- *Accountability for all individuals in the courthouse*
- *Special assignments of staff during emergencies*
- *Cross training and specialized training for the emergency response team*
- *Possible sources of supplemental staffing*
- *Alternate emergency transportation and housing for essential personnel*
- *Financial arrangements to handle personnel costs incurred during a critical incident*

*Experience in other courts facing critical incidents has shown that the existence of a competent, experienced management team, the ability to bring the team together quickly, and the system to provide good communications are vital elements to successfully managing a critical incident.*

*Fully developing a critical incident response team may take some time and planning by the court; however, the court shall designate the members of this team immediately so that they can be prepared to respond to an emergency that occurs before planning is complete.*

D. *Persons under court jurisdiction or direction.*

All courts shall prepare to manage persons under the supervision or direction of the court during an emergency.

*These populations may include:*

- *Adult and juvenile probationers*
- *In-custody detainees (in the courthouse)*
- *Juvenile detainees*
- *Persons under the protection of the court*
- *Persons on pre-trial release*
- *Jurors, both impaneled and awaiting possible selection, orientation sessions and jurors on recess*

*For courts whose operations include probation supervision or compliance programs, the court should maintain, in a form that does not require computer access, information required to identify and locate probationers on intensive supervision and those who may represent a special risk during an emergency (i.e. sex offenders). The agencies and persons responsible for locating special risk probationers during an emergency should be designated. Additional sources of staff to assist with this task should be identified. Experience has shown that if replacement staff are brought into an area to provide supervision, they will need extra information to assist in locating probationers and possibly even photographs to help with identification. If the court utilizes electronic monitoring, a method should be developed to verify the whereabouts of probationers without alerting them to a system failure. Detainees in custody are normally the responsibility of law enforcement; however, their safety and protection must be an element in any evacuation and emergency plan developed by the court.*

*Emergencies may create special problems for persons under the court's protection. During evacuations of communities, courts may be called upon to assist in the determination of competency of persons who refuse directions from law enforcement and emergency responders.*

*Fully developing plans for managing persons under the court's jurisdiction may take some time and planning by the court; however, the court must begin to address these issues immediately so it can be prepared to respond to an emergency that occurs before planning is complete.*

#### **Emergency Recommendation 6: Essential Services Contingency Plan.**

All courts shall identify alternative locations for court operations in the event that court facilities are damaged or become inaccessible during a critical incident.

*Plans for alternative locations should include:*

- *procedures for securing the court in the event of a civil disturbance or impending disaster*
- *a plan for damage assessment and recovery*
- *alternative locations for the court to conduct its business*
- *sources of supplies and equipment to be used to conduct business in alternate locations*
- *coordination with the AOC in computer replacement*
- *coordination with other local public safety authorities when considering and selecting alternative sites*
- *formal agreements with potential host entities*
- *"take away" or "black bags" that contain essential equipment, forms and reference materials that can be used to resume court operations in an alternative location*

*Fully developing an essential services contingency may take some time; however, the court must begin to address these issues immediately so it can be prepared to respond to an emergency that occurs before planning is complete.*

#### **Emergency Recommendation 7: Staffing.**

- A. Courts shall have a plan to staff the courts during a critical incident.

*Staffing the court during a critical incident can be very difficult. Where evacuations or other situations affect entire communities court staff are often faced with a conflict between doing their jobs and caring for their families. Staff who work long hours suffer from fatigue and stress which can result in poor decision making. In situations where additional staff has been brought into an area to work, those staff must be familiarized with the local system and integrated into the regular workforce. Courts that have managed through critical incidents have found that the more rapidly a near normal work schedule can be adopted the fewer staffing problems occur.*



*Fully developing an emergency staffing plan may take some time; however, the court must begin to address these issues immediately so it can be prepared to respond to an emergency that occurs before planning is complete.*

#### **Emergency Recommendation 8: Records.**

- A. Courts shall take appropriate measures to reduce the risks of loss and damage of records should a critical incident occur.

*No court should delay evacuation to remove records. In situations where court facilities must be evacuated or are damaged, it is likely that case files will be left behind and court staff forced to improvise. The best way to reduce damage to records is to take action to reduce the potential for damage before a critical incident occurs. Emergency record plans should:*

- *Minimize the potential for record loss*
- *Follow all adopted record retention schedules and policies*
- *Ensure that electronic records are regularly backed up and backups are stored offsite*
- *Keep as many records electronically as possible*
- *Establish requirements for the protection and storage of records*
- *Identify experts who can help with record recovery in the event of an emergency*
- *Reduce the volume of records to protect by remaining current with record archiving and destruction requirements*
- *Have records management and recovery staff available to meet with first responding agencies*

*Provide for emergency operations with minimal record access:*

- *Predetermine which court functions are critical and which records must be available*
- *Determine how record processes can be performed manually*
- *Print hard copies of the most basic court records so they are available (e.g., active case inventory and current financial accounting reports)*
- *Maintain temporary records on laptop computers for later downloading to a restored court system*
- *Arrange for the provision of emergency replacement of computer equipment during an emergency*
- *Arrange for nearby courts to share computer equipment during off hours*
- *Use audio and video taping equipment and reconstruct records later*

*Court staff must also consider how to protect and manage evidence and exhibits during a critical incident.*

*Fully developing a record protection and recovery plan may take some time; however, the court must begin to address these issues immediately so it can be prepared to respond to an emergency that occurs before planning is complete.*

#### **Emergency Recommendation 9: Critical Court Functions.**

- A. The chief or presiding judge of the affected court location or chief judge of the court of appeals in consultation with representatives of the affected courts and agencies and the Chief Justice or designee shall determine which court functions are to be curtailed, moved, delayed or suspended. The presiding judge or chief judge may delegate to court administrators the implementation of plans to limit court functions.

*It is possible that any court function may become time critical and courts must be prepared to make that judgment on an individual case basis. Presiding judges and court administrators may find themselves in the position of performing triage on court activities when resources are severely limited. By separating court functions by their urgency, courts can determine the most effective strategies for recovery from an emergency. Critical cases can be transferred to neighboring courts or reassigned to available judges. Limited space in alternate facilities shall be reserved to serve the most critical court functions. In an emergency only critical court functions – those the community cannot do without or which in their absence present a risk to life, health and property – must be immediately resumed. Other functions may be essential, required by law, or difficult to lose, but not necessarily time critical to restore. Some are non-essential functions that are nice to have, but their loss is an inconvenience and their resumption can be deferred for some time. Actions to limit court functions should be documented by court order and the Supreme Court should be immediately notified of such action. Examples of critical court functions that must be restored as rapidly as possible include but are not limited to:*

- *Initial appearances*
- *Preliminary hearings*
- *Arraignments*
- *Orders of protection*
- *Injunctions against harassment*
- *Emergency actions (injunctions, et cetera) related to the ongoing emergency*
- *Special actions - injunctive*

*Essential court functions that may be resumed after a slightly longer period include:*

- *Appellate activities*
- *Criminal trials*
- *Bond review hearings*
- *Probation revocations*
- *Other in-custody issues*
- *Mental health calendars where custody is involved*
- *Activities related to observing and protecting constitutional rights*

*Court functions that may be deferred for some time include:*

- *Traffic issues*
- *Civil cases - non-injunctive*
- *Administrative issues other than necessary to critical functions*

*The nature of the critical incident itself may cause an increase in particular types of litigation or it may spawn its own litigation, which will become a consideration in determining critical court functions.*

## **B. Emergency Court Orders.**

Pursuant to the New Mexico Constitution Article 4, Section 3, the Supreme Court can adopt administrative orders extending emergency administrative authority to other courts to close courts, alter hours of operation, adopt, amend and suspend rules and orders and take other necessary administrative actions concerning court staff and operations. When communication with the AOC and Supreme Court is available, the presiding judge shall consult with them prior to the issuance of local emergency orders to ensure such authority is provided. However, in an extreme emergency when there is neither the time nor capacity for consultation, each court must be prepared to deal with local emergencies promptly without outside assistance.

*If it becomes necessary to issue an emergency order, the local court shall consult with the Supreme Court to determine by whom and in what form the order is to be issued. However, when communication is not available the local court may be required to act on its own. In that case any local order should invoke any state emergency declarations by the Governor or Supreme Court orders on emergency authority, specify the nature of the emergency, be effective for only the duration of the emergency and include a provision providing for immediate transmittal to the Supreme Court for review.*

*A court facing an emergency may be required to adopt any or all of the following by emergency administrative order. Unless a state declaration of emergency provides otherwise, courts must remain aware that state law and state statutory requirements will continue in effect and cannot be abrogated by local administrative orders. AOC legal staff will provide assistance regarding these orders.*

*Court operations:*

- *Provide for 24-hour operation of one or more courts and "on call" status for judges to handle emergency matters.*
- *Assign cases to neighboring courts and reassign judges*
- *Relocate court operations*
- *Cancel court calendars and subpoenas*
- *Assign custodial responsibility for court funds*
- *Provide for alternate signing and delivery of filings, orders, and other documents*
- *Cancel jury trials and suspend jury duty*
- *Continue trials and exclude reset time*
- *Continue in-custody matters involving transport*
- *Authorize constables or other court personnel to serve process*

- *Establish a telephone hotline or website for court information*

*Personnel:*

- *Cancel leave and vacation for court employees as deemed appropriate*
- *Extend the time for using leave*
- *Make certain staff is available "around-the-clock" or on-call*
- *Approve overtime for court staff*
- *Reimburse court employees for use of personal vehicles and phones*
- *Expand duties of staff to handle emergency matters*
- *Establish rosters of volunteers and provide authority*

*Probation:*

- *Make special assignments of personnel to emergency units*
- *Suspend reporting requirements and conditions that may be impossible to perform*
- *Vacate transport orders*
- *Vacate hearings where parties are unable to attend*
- *Defer payment and assessment due dates*

*Juveniles:*

- *Arrange for evacuation of detention centers and treatment facilities*
- *Provide for emergency supervision and counseling*

*Facilities and equipment:*

- *Close or consolidate courts if facilities and staff are not available*
- *Transfer court functions to alternative facilities*
- *Transfer files for safekeeping*
- *Move equipment and data to a secure offsite location*
- *Open detention centers and other facilities for housing*
- *Authorize use of vehicles and facilities by emergency personnel (under supervision of court staff)*

## **Emergency Recommendation 10: Finances**

- A. Courts must plan for disruptions in the business systems that support their financial activities.

*Credit card acceptance, check verification, normal banking functions and point of sale systems may not function or have limited availability. Plans and equipment should be available for converting to manual systems of receipting and accounting. Normal procedures for procurement of equipment and supplies may also be disrupted.*

- B. Courts must carefully track expenditures that result from a critical incident.

*The critical incident itself will likely create additional expenditures for the court. These include per diem and lodging for supplemental staff, overtime costs, emergency purchases of supplies and equipment, and equipment rental. Such expenditures should be tracked in the anticipation that emergency costs may be reimbursed in the future. The AOC should be consulted on financial issues and will serve as a contact for seeking additional financial assistance.*

## Courthouse Security

New Mexico courts represent justice for citizens. To administer justice under the law, court facilities must be as safe and secure as practicable for all those who visit and work there. There are those in our society who for psychological, political, criminal or fanatical reasons will seek to disrupt or damage those who they perceive are against them. Quite often, these acts will be focused on government institutions or government representatives.

History has shown that the judicial system is not immune from assaults by individuals or groups who would use explosives and firearms to achieve their goals. Nationally, attacks have been directed not only at court facilities, operations, court support staff, judges and their families, but also at the users of the court and its services.

By the very nature of the work of the courts, people's property and lives are affected. The Committee recognizes that court personnel must be aware that all court cases can erupt in violence. As a result, court security planning must emphasize awareness, prevention, containment and control—all directed toward protection of life and property. Effective planning, implementation of policies and procedures, application of appropriate security equipment and training of security personnel are essential for meeting the goal of providing a safe and secure judicial environment.

The court security guidelines set out on the following pages are recommendations suggested by this Committee. They are not meant to be requirements imposed on local jurisdictions. The Committee recognizes the limitations under which local courts must operate. The intent of this section is to provide general standards or guidelines that each court may follow in designing its specific security plan. If the recommendations are followed, the likelihood of success in thwarting a disaster can be better achieved.

### Security Recommendation 1: Security Policy

- A. Each court and clerk's office shall have a Court Security Policy and Procedure Manual.

*A Court Security Policy and Procedure Manual written by the local security committee governing the security of the court and its facilities shall be established and reviewed annually to ensure consistent and appropriate security procedures. The manual shall include: a physical security plan, routine security operations, a special operations plan, a hostage situation response plan, a high risk trial plan, and emergency procedures for fire, bomb, and other disasters.*

*It must be noted that a bomb threat can be used as a method induce an evacuation so that people can be targeted as they exit the courthouse.*

*The bomb threat plan shall include:*

- A. assessment of the threat, to determine whether evacuation is warranted*
- B. contact information for the closest bomb disposal team*
- C. training for court personnel in recognizing a potential explosive device*

- B. All courts shall periodically conduct a “risk assessment audit.”

*A formal security audit of the court, its facilities and the clerk's office can provide valuable direction to identify, correct and eliminate conditions or deficiencies that place personnel and facilities at risk of violent or criminal acts. Court security audits should be conducted by a qualified court security professional.*

- C. All courts shall immediately report all security breaches to the AOC using the standardized incident reporting form and when appropriate, to local law enforcement. (See Attachment A)

*Court staff are often the personnel who can identify suspicious behavior or something out of the ordinary. Court staff shall be encouraged to be aware of their surroundings and to report anything that seems suspicious.*

*Because security is so important for the courts and clerk's office, security incidents shall be reported accurately whenever they occur. There shall be a standardized reporting method and a formal review process to evaluate the procedures followed after a security violation, criminal act or threat that has occurred to determine if established policies require correction or revision and to assess accountability and responsibility.*

- D. A weapons policy shall be developed by each court.

*Each court shall establish by court order rules governing the carrying of weapons into the courthouse. The policy shall address persons who possess a concealed carry license and law enforcement personnel.*

- F. Each court shall establish a policy for handling evidence.

*Evidence used during a trial shall be stored in a secure area. Contraband, firearms, weapons, drugs, monies and hazardous materials shall not be stored in the court but should be maintained, pursuant to court order, by law enforcement personnel or the district attorney's office. If weapons are entered into evidence during a trial, the appropriate law enforcement personnel shall unload the weapon and protect it with an appropriate trigger lock.*

*After a verdict, judgment or other disposition action is rendered against a criminal defendant, exhibits in custody of the clerk shall be returned to the attorney or party introducing same in evidence. It shall be the responsibility of the appellant and/or appellee to make exhibits required for the record-on-appeal available for the record or to forward pertinent exhibits to the appellate court as requested. Contraband, firearms, weapons, drugs, monies and other exhibits declared sensitive shall be destroyed or otherwise disposed of by order of the court.*

## Security Recommendation 2: Court Personnel and Training

- A. Each court shall have a standing Committee on Security.

*Specific security needs inevitably vary from location to location due to local conditions and changing circumstances. Thus security must be addressed within each jurisdiction and by a formal mechanism.*

*Court security issues affect many sectors of the community and include differing local needs and serious funding concerns. A local Committee on Security shall be established to address these concerns. The committee shall include the Court Security Coordinator, Court Emergency Services Coordinator, representatives from the judicial divisions, clerk's offices, sheriff's department or other agencies that provides security to the court, representatives from the county and other appropriate bar and community groups.*

- B. Each court and clerk's office shall have a Security Coordinator and Emergency Services Coordinator.

*Each court and clerk's office should have one person, the Court Security Coordinator, who is responsible for maintaining the court's security procedures and training for court staff. The court should also have a person serving as an Emergency Services Coordinator who would be the liaison with the local Emergency Services Board. The Emergency Services Coordinator will ensure that the court's contingency plan is carried out in times of emergencies. In smaller courts, one person could fill both roles.*

- C. Court security personnel shall meet appropriately established standards of experience, training and performance.

*Court Security personnel shall be assigned specifically and in sufficient numbers to court security to ensure the security of the court and its facilities. Court security staff shall be trained to a level of force deemed proper by local courts. Court Security officers shall receive specific training on court security issues and weapons instruction if appropriate, that is specific to the court setting.*

- D. Training of court security personnel shall be "career oriented" with a core curriculum that is court security specific.

*Training for court staff shall be safety and security focused. The committee supports the development of a standardized core safety and security curriculum for court security staff.*

- E. Each court and clerk's office shall provide security training for all court employees.

*Court staff must know what is expected of them at all times. Security procedures shall be reviewed annually with all staff. A mandatory training program shall be established that includes regular in-service security training. It is also recommended that the Judicial*



*Education Center develop a core training curriculum addressing safety and security issues for court related personnel.*

- F. Minimum standards shall be developed for use when hiring and screening court security personnel.

*It is recognized that if a local court contracts with a security firm, the agency being hired must adhere to local hiring and screening practices and have its security personnel trained and certified in a manner consistent with state certification standards. The committee recognizes that some local courts hire part-time security personnel. In those instances, part-time employees must be trained and certified to state certification and training standards. The committee further recognizes that local courts from time to time hire part-time law enforcement personnel. In these instances, local law enforcement must be oriented to courthouse/courtroom security issues as a condition of employment by a state certification agency. In each case, the committee supports the development of a standardized "scope of responsibility" for court security personnel.*

### **Security Recommendation 3: Limiting Access to the Courthouse**

- A. Courts shall limit access to one main entrance and exit when possible. All entrances shall have weapons screening capabilities.

*Weapon screening is an essential part of court security. No weapons shall be permitted in the court facility, except those carried by court security personnel and those allowed under a local court rule. A policy shall be developed that will identify who is allowed to carry a weapon and under what conditions. The policy shall be reviewed on a regular basis.*

*Everyone entering the court must be subject to a screening process. Limiting access to one main entrance allows for better observation and detection and reduces the cost of weapons screening equipment and staff. If the staff and judiciary use nonpublic entrances, provisions shall be made for weapon screening at this entrance as well. Entrances without screening should be locked and equipped with an alarm and a sign reading "Emergency exit only; alarm will sound."*

- B. All persons entering the courthouse shall be subject to security screening.

*One of the best security measures is the interdiction of weapons. The only certain method for interdiction is to screen all persons without exception when they enter the facility. All persons entering the court facility shall be subject to a court security screening process. All screening shall occur for each visit to the court regardless of purpose or hour.*

*Mail is a common method of delivering bombs and biological agents. Without adequate screening, mail and other items delivered to a courthouse cannot be considered safe. Technology is readily available to complete nonintrusive examination. Minimum standards of security shall include magnetometers, x-ray machines and secure storage lockers for weapons.*

- C. All court employees shall wear a visible identification card.

*Employees shall wear picture ID cards at all times. This ID may also be used as a key card for access to offices and other areas within the courthouse.*

- D. All courts and/or funding units shall schedule at least quarterly routine maintenance and testing of all security equipment.

*Equipment shall be properly maintained and tested on at least a quarterly schedule in order to ensure it is in proper working condition.*

- E. Signs notifying the public of weapons screening shall be prominently displayed.

*The goal of a security system is to deter security incidents. Proper signage indicates that the court is conducting weapons screenings. Signs shall state that both individuals and their belongings will be searched. The signs shall be large, positioned both inside and outside the courthouse and in appropriate languages.*

- F. All locking mechanisms shall be at least as sophisticated as electronic access cards or better.

*Strict control of all locking devices shall be maintained. Access to keys and courthouse access cards by non security personnel shall be limited and controlled by security personnel. New locking technology provides better security and easier replacement when compromised. The system shall be administered by someone directly responsible to the court administrator or presiding judge.*

- G. Courts shall have both intrusion and duress alarms within the courthouse and provide the ability to ensure after-hour security during emergencies.

*Intrusion alarms are designed to alert the court of unauthorized entry after hours. Duress alarms are designed to signal for help immediately. All courtrooms and hearing rooms shall be equipped with duress alarms connected to a central security station. Door alarms shall also be placed on all exit doors from the building. As part of a comprehensive security plan, each court, in conjunction with law enforcement, shall adopt procedures for the security of judges and court personnel at times other than normal working hours.*

*Duress alarms shall, when triggered, transmit an audio or visual depiction of the action occurring in the courtroom.*

*Duress alarms shall be concealed, silent, and be easily accessible. The alarm activation device shall be placed so as to make its activation as inconspicuous as possible. The device shall be linked directly to central security, and when activated, directly alert the courthouse security station or an employee trained in emergency notification procedures. The station to which a duress alarm alerts security personnel shall be manned at all times necessary to enable incident response.*

- H. Each court shall have a "special operation" plan that addresses high profile trials, emphasizing coordinated security and emergency responses.

#### **Security Recommendation 4: Facility and Office Design**

Since the Oklahoma City and 9-11 bombings, standards for building design and specifically courthouse design have been adopted by the Federal government. These standards should be utilized so as to inform courthouse facility design both for new construction and renovation of existing facilities. Information about courthouse facility design is available on the National Center for State Courts website: [www.ncsc.dni.edu](http://www.ncsc.dni.edu).

- A. Facility office design shall address security issues. Buildings shall be designed so as to protect against attack.

*New construction or remodeling of court facilities shall include a review of circulation patterns that govern the movement of people in the courthouse. Judges, court personnel and prisoners shall have separate routes to and from the courtroom. Entry into judges' chambers shall be secure. The work areas of judges' personal staff shall be situated out of the line of sight from windows and doors. Waiting areas shall be available to allow separation of parties, victims and witnesses when possible. Each court shall identify areas that require additional protection. Courts shall also identify rooms that can be used as "safe rooms" where staff can go during an incident. A public address system shall be installed to communicate information throughout the entire courthouse.*

- B. All courts shall make arrangements to install physical barriers around the courthouse when necessary to limit the approach of cars and trucks.

*Each court shall decide, in cooperation with their local law enforcement agency and funding unit, if barriers are warranted. Information about where to get barriers and how they will be deployed should be a part of any court's security plan.*

- C. All courts shall have secure parking for judges, staff, jurors, and witnesses who have been threatened.

*Some security incidents have occurred in parking areas before a victim even reaches the courthouse. Judges and staff who are vulnerable to attack simply by virtue of their position need secure and unidentified parking areas. Jurors and threatened witnesses also need secure parking if they are to fulfill their roles in the system.*

*Ideally, parking shall be in a fenced area, with vehicle and pedestrian access limited by gate control, a card key or other access control device. Judges and staff shall have secured access to secured corridors or elevators from the parking area.*

- D. All courts shall make provision for secure transport and have a secure holding area for prisoners.

*Courts need secure holding areas where persons in custody can be held and isolated while waiting to appear in court or be returned to jail or prison. Persons in custody shall be escorted into the facility through areas that are not accessible to the public by law enforcement and corrections staff. When a separate entrance is not available and public hallways must be utilized, prisoners shall be handcuffed behind the back and when appropriate, secured with leg restraints. Every court shall work with the local sheriff or police to develop emergency procedures for prisoner control and evacuation.*

- E. Items that could be used as weapons (scissors, letter openers, microphones, and water containers) shall be secured in the courtroom.
- F. All environmental controls in court facilities and the clerk's offices shall be secured, with access restricted to authorized personnel.

*In order to avoid tampering and sabotage, access to controls for heating, air conditioning, ventilation, et cetera, shall be limited to authorized staff. Outside air intake mechanisms shall also be secured so they cannot be used as access to the building or as a conduit for biochemical attack.*

- G. When practical, closed-circuit video surveillance for courthouses is recommended.

*Public notification that the courthouse is under video surveillance will serve as a deterrent. The design of some existing courthouses may require a greater reliance on supplemental security devices such as video equipment. Closed circuit video surveillance should be effectively monitored. Closed circuit video surveillance should include the court facility parking area, entrance to the court facility, court lobby, courtroom, clerk front counter and all other public areas of the court facility.*

- H. The courtroom monitor/courtroom clerk/court reporter shall have the same duress alarm or intercom system as the judge, providing direct linkage with central security through a foot or knee activated button under the work surface.
- I. Where courtroom personnel could be sitting near a potentially hostile or violent witness or party, the work station for that employee shall provide for easy escape.
- J. Witness chairs shall be affixed to the floor to ensure control of prisoners who must testify.
- K. Attorney tables shall not have drawers or concealed recesses where a weapon or a bomb may be concealed.

#### **Security Recommendation 5: Securing Information Technology.**

- A. Each court, in consultation with the Judicial Information Division, shall develop an automation security plan.

*All courts depend on computer systems for essential services. The plan shall include:*

- *securing servers, network routers and network switches*
- *regularly backing up critical data*
- *storing backup data in an offsite location*
- *procedures for restoring data which has been lost*
- *Court personnel shall log off of their computers at the end of each day*
- *Passwords shall be changed periodically and be kept confidential to prevent unauthorized used by non court personnel*
- *Anti-virus software shall be installed and updated regularly*
- *Software shall be approved by JID before it is installed on a court computer*

#### **Security Recommendation 6: Funding**

- I. Funding agencies should adequately fund court security personnel and programs for the protection of the public, court personnel and property.

*Put simply, security saves lives and protects property. Funding agencies need to recognize this and fund security operations to an optimal level. Whenever possible and feasible, courts shall enter into Interagency Agreements to share valuable resources in order to help defray to costs to funding agencies. Courts shall take advantage of security assessments which may be available at no charge by local, military or federal agencies to identify security issues that can be resolved immediately.*

